

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JULY 6, 2009

AMENDED IN SENATE JUNE 29, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 755

Introduced by Assembly Member Brownley

February 26, 2009

An act to amend Section 19050.8 of the Government Code, relating to civil service appointments.

LEGISLATIVE COUNSEL'S DIGEST

AB 755, as amended, Brownley. Civil service appointments.

Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies or between jurisdictions for specified time limits, for the purpose of providing training to employees, enabling an agency to obtain expertise needed to meet a compelling program or management need, or facilitating the return of injured employees to work.

This bill would provide that ~~no~~ a temporary assignment or loan shall *not* exceed 4 years, as specified.

Existing law also requires a temporary assignment or loan between educational agencies or jurisdictions to be extended for up to 2 additional years upon a finding that the extension is necessary to substantially complete work on an educational improvement project.

~~The bill would make that extension permissive instead of mandatory. The bill would also require those educational improvement projects to require a breadth and depth of demonstrated expertise or a level or~~

~~response that cannot be obtained under normal staffing procedures. The bill would prohibit those temporary assignments or loans from being made or continued if there is a reasonable basis for utilizing the state civil service. This bill would delete that provision and would instead prohibit a temporary assignment or loan between educational agencies or jurisdictions from exceeding 4 years of total time per individual performing the duties of a represented classification in any combination of assignments or loans.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19050.8 of the Government Code is
2 amended to read:
3 19050.8. The board may prescribe rules governing the
4 temporary assignment or loan of employees within an agency or
5 between agencies for not to exceed two years or between
6 jurisdictions for not to exceed four years for any of the following
7 purposes:
8 (a) To provide training to employees.
9 (b) To enable an agency to obtain expertise needed to meet a
10 compelling program or management need.
11 (c) To facilitate the return of injured employees to work.
12 These temporary assignments or loans shall be deemed to be in
13 accord with this part limiting employees to duties consistent with
14 their class and may be used to meet minimum requirements for
15 promotional as well as open examinations. An employee
16 participating in that arrangement shall have the absolute right to
17 return to his or her former position. Any temporary assignment or
18 loan of an employee made for the purpose specified in subdivision
19 (b) shall be made only with the voluntary consent of the employee.
20 In addition, out-of-class experience obtained in a manner not
21 described in this section may be used to meet minimum
22 requirements for promotional as well as open examinations, only
23 if it was obtained by the employee in good faith and was properly
24 verified under standards prescribed by board rule.
25 ~~For purposes of this section, a temporary assignment or loan~~
26 ~~between educational agencies or jurisdictions may be extended~~
27 ~~for up to two additional years upon a finding by the Superintendent~~

1 of Public Instruction or the Chancellor of the California
2 Community Colleges, and with the approval of the Executive
3 Officer of the State Personnel Board, that the extension is necessary
4 in order to substantially complete work on an educational
5 improvement project. These projects shall require a breadth and
6 depth of demonstrated expertise or a level of response that cannot
7 be obtained under normal staffing procedures. Temporary
8 assignments or loans shall not be made or continued under this
9 section if there is a reasonable basis for utilizing the state civil
10 service. No temporary assignment or loan shall exceed four years
11 of total time per individual in any combination of assignments or

12 *For purposes of this section, a temporary assignment or loan*
13 *between educational agencies or jurisdictions shall not exceed*
14 *four years of total time per individual performing the duties of a*
15 *represented classification in any combination of assignments or*
16 *loans. All temporary assignments or loans shall comply with*
17 *applicable board rules. However, the temporary assignment of any*
18 *local educator who is performing the duties of a nonrepresented*
19 *classification while on loan to a state education agency may be*
20 *extended for as many successive two year intervals as necessary*
21 *by the Superintendent of Public Instruction or the Chancellor of*
22 *the California Community Colleges with the concurrence of the*
23 *education educational agency or jurisdiction. Public and private*
24 *colleges and universities shall be considered educational agencies*
25 *or jurisdictions within the meaning of this section.*

26 A temporary assignment within an agency or between agencies
27 may be extended by the board for up to two additional years in
28 order for an employee to complete an apprenticeship program.